

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY, OCTOBER 8, 1997**

Members

Present: Patrick J. Gilmartin, Chairman
Robert Buford
Peter Lilienfield
Alan Morris, Secretary

Members

Absent: William Hoffman

Also Present: Kevin J. Plunkett, Village Counsel
Brenda Livingston & Joseph Elliot, Ad Hoc
Planning

Board Members
Florence Costello, Planning Board Clerk
Thomas Jackson, E.C.B. Chair
Joseph Jacoby, J&L Reporting Service, for
Westwood

Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 94-03 -- Westwood Development
Associates, Inc.

Sht. 10, 10C11, Lots
25K, 25J2, 25K2, 25A, 26A
96-13 -- Louis Goodkind
Sht. 10F, Bl. 253, Lot 15
97-14 -- Ettore & Maria D'Alessio
Sht. 13, Lot 141A
97-17 -- Mitchell & Adrienne Bernard
Sht. 13B, P-14
97-18 -- Jonathan Elwyn & Heidi Jellinghaus
Sht. 11, P-68
97-21 -- Joseph Daniel
Sht. 10D, Bl. 240, Lot 16 & 17
97-24 -- Michael & Lynn Leahey
Sht. 13B, Part of P-19
97-25 -- Albert & Geraldine Shapiro
Sht. 12A, Bl. 254, Lot 4
97-26 -- Mark & Amy Tercek

Sht. 8, Bl. 219, Lot 17

The Chairman called the meeting to order at 8:00
p.m.

IPB Matter #96-13:
Goodkind for

Application of Louis W.

two lot

Preliminary Layout Approval for a

Subdivision of property at

Harriman Road and

Fieldpoint Drive.

Gerald D. Reilly, Esq., appeared for the Applicant and presented drawings prepared by Charles Riley, Land Surveyor: "Sanitary Sewer and Water Main Profiles" dated February 24, 1997, revised July 17, 1997, and "Preliminary Subdivision and Site Plan" prepared for Louis W. Goodkind, dated October 15, 1992, last revised August 19, 1997, without comment. There was no discussion, and the Application is carried over to the November 5, 1997 meeting.

IPB Matter #97-14:
Maria D'Alessio for Site

Application of Ettore &

Development Plan Approval and

Preliminary

Subdivision Approval for property

at 27

Hamilton Road.

Gerald D. Reilly, Esq., appeared for the Applicant, and requested that this matter be put over to the November 5, 1997 Planning Board meeting.

IPB Matter #97-21:
for Site
Approval for property at

Application of Joseph Daniel
Development Plan

Cedarlawn Road.

Mr. Joseph Daniel, owner, and his builder, Mr. Ralph Vighante, appeared personally for the Application. This Application to construct a single family residence on Cedarlawn Road was carried over from the September 3, 1997 Planning Board meeting. The Applicant submitted drawings entitled: "Site Plan Prepared for Danfor Realty" dated April 15, 1997, last revised September 24, 1997,

and "Environmental Site Plan Details & Driveway Profile" dated August 18, 1997, revised September 24, 1997, prepared by Charles Riley, Land Surveyor.

Mr. Mastromonaco's memo dated October 2, 1997 confirmed that the new drawings addressed the Board's concerns regarding drainage and run-off. The Chairman asked for public comment. Mr. John Carroll, Mr. Hotaling, and Mrs. Jane Lyons expressed concerns on architecture. They were told that it was the Architectural Review Board which dealt with architecture. Mr. Evan Smith submitted deed restrictions for Planning Board records. After further discussion, upon motion duly made and adopted the Board approved the Site Development Plan as shown on the drawings identified above.

IPB Matter #97-24:
Lynn Leahey for

Application of Michael &
Site Development Plan Approval
for property
at 14 Lewis Road.

Mr. Michael Leahey, owner, and Ferdinand Gottlieb, Architect, appeared for the Application. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of the construction of a detached three car garage, 26'x41' with a total content of 23,058 cubic feet, with habitable space above. Plans submitted entitled: "Residence of Mr. & Mrs. Michael I. Leahey, three pages dated August 6, 1997 and September 15, 1997, by Ferdinand Gottlieb, Architect with topographic survey of property by Aristotle Bournazos, P.C., dated May 23, 1997.

The Chairman referred to Mr. Mastromonaco's memo dated October 2, 1997, regarding the need for the plans to provide for erosion control methods per Westchester County Best Management Practices, dry wells for roof drainage, and noting the addition appears to be a second dwelling on the lot. After discussion the Board requested revised plans to address Mr. Mastromonaco's comments. Noting the living quarters above the proposed garage might be considered a second residence, and prohibited in 1F-40 Zoning, the matter was referred to

Kevin Plunkett, Village Counsel, for legal opinion. Further discussion was delayed to the November 5, 1997 meeting.

IPB Matter #97-25:
Geraldine Shapiro for

for property

**Application of Albert &
Site Development Plan Approval
at 2 Deep Hollow Close.**

Michael Esmay, Architect, and Mrs. Shapiro appeared for the Application. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of an addition and alteration to the existing residence, increasing the square footage by 660 square feet and cubic footage by 1,400 cubic feet. The Chairman noted that Zoning Board of Appeals approval was required with respect to the proposed construction to meet necessary setback.

The Chairman with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public or the Board's Consulting Engineer.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary

hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or depending on the action taken by the Zoning Board of Appeals as hereinafter provided, the Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to approval by the Zoning Board of Appeals of any variance required in connection with the Application.

IPB Matter #97-26:
Tercek for Site

Application of Mark & Amy
Development Plan Approval for
property at
8 Hancock Place.

Radislav Opacic, Architect, and Mrs. Tercek appeared personally for the Application. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed development consists of a 14 ft. x 19 ft. addition to the northeast corner of the existing residence to accommodate a new playroom, an additional 2 ft. x 18 ft. area added to the south side of existing sunroom to allow for a more practical dining area, a total cubic volume of 2,445 cubic feet, a 12.5% increase in the footprint of the existing house. In addition, the Owners would like to build a terrace off the new mudroom which would relate to the rest of the property.

The Board noted the Applicant neglected to notify the Taconic Park Commission, the Aqueduct owners. Further activity was held over to the November meeting so that the required notice would be sent. Additionally, the Applicant was advised that an application to the Zoning Board of Appeals would have to be made for a variance from the required setback of structures from the Aqueduct.

IPB Matter #97-18:
Elwyn & Heidi G.B.

Plan Approval

Road.

**Application of Jonathan D.
Jellinghaus for Site Development
for property at 202 Hermit's**

Robert Bierman, representing Stephen Tilly Architect, and Mr. Elwyn appeared on behalf of the Application. As requested at the September 3, 1997 Planning Board meeting, Mr. Bierman presented revised plans prepared by Stephen Tilly, Architect: Addition to the Home of Heidi Jellinghaus and John Elwyn, revised September 26, 1997, Site Plan and Zoning Information, A-1, and Enlarged Partial Site Plan & Erosion Control Information, A-2, revised September 26, 1997.

There were no comments from the public, and Ralph Mastromonaco, Consulting Engineer's memo dated October 2, 1997 stated the applicant had addressed comments of his August 6, 1997 memo. After further discussion, upon motion duly made and adopted the Board approved the Site Development Plan shown on the drawings identified above.

IPB Matter #97-17:
Adrienne Bernard for

for property at

**Application of Mitchell &
Site Development Plan Approval
240 Harriman Road.**

Stephen Tilly, Architect, appeared on behalf of the Application. The proposed development consists of a detached two-car garage with a footprint of 598 square feet and a cubic area of 9700 cubic feet. The application was reviewed by the Planning Board at its July 2, 1997 meeting and referred to the Zoning Board of Appeals for the necessary side yard variance.

The Application's evaluation was postponed until the November 5, 1997 meeting as neighbors must be re-notified, and the Zoning Board of Appeals opinion, and the Consulting Engineer's comments received. Mr. Richard Goldman, a neighbor spoke in favor of the Bernard plan.

IPB Matter #94-03:
Development

Inc., for Limited Site Development

Broadway,

**Application of Westwood
Associates,
Plan Approval for property at
Riverview Road and Mountain Road.**

Messrs. Padraic Steinschneider and Charles Pateman appeared on behalf of the Application, and advised that all Village Department Heads had been sent the Westwood plans. The Department Heads are to advise the Chairman of their concerns in writing. Considerable discussion ensued with Ms. Penny Delaney, President of the Irvington Board of Education, on the value of the School Board's input. Mr. Jerry Leitzes, East Irvington Association, read a letter from the Association urging that access to the development also be provided from upper Riverview Road.

A complete stenographic transcript of the proceeding was made and will be filed as part of the Board's record on this matter.

Ministerial:

1. The Chairman noted receipt of Mr. Bauer's letter to Spectrum Group, dated September 4, 1997, which was placed in the file for IPB Matter #90-01.
2. Minutes of the Planning Board held on September 3, 1997, previously distributed, were on motion duly made and seconded, approved.
3. Irvington Associates, Legend Hollow Subdivision, has submitted a Site Development Plan Approval Application for Lot #28, for review and public hearing at the November 5, 1997 Planning Board meeting. A site walk will be set up.
4. The next regular meeting of the Planning Board was scheduled for November 5, 1997.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary